No. 96-126

Supreme Court, U.S.
FILED
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1996

WALKER L. CHANDLER; SHARON T. HARRIS;
JAMES D. WALKER,

Petitioners,

v.

ZELL D. MILLER, Governor;
MAX CLELAND, Secretary of State;
JAMES G. LEDBETTER, Commissioner Department of
Human Resources State of Georgia,

Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit

JOINT APPENDIX

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PETITION FOR WRIT OF CERTIORARI FILED JULY 15, 1996
CERTIORARI GRANTED OCTOBER 1, 1996

10 pp

In the Supreme Court of the United States

OCTOBER TERM, 1996

WALKER L. CHANDLER, ET AL., APPELLANTS

v.

ZELL D. MILLER, ET AL.,

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

JOINT APPENDIX

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CIVIL ACTION NO. 94 CV-1298

WALKER L. CHANDLER, ET AL

v.

ZELL MILLER, ET AL.

A. RELEVANT DOCKET ENTRIES

DATE	NR	PROCEEDINGS
5/17/94	1	Complaint filed
5/24/95	4	Order setting hearing on plaintiffs' claims on 6/17/94 at 3 p.m. by Judge Orinda Evans
6/6/94	5	Answer to complaint filed by defendants
6/17/94	—	Hearing held before Judge Orinda D. Evans
6/21/94	9	Order denying plaintiffs' motion for preliminary injunction
1/18/95	15	Joint motion for entry of final judgement filed

1/31/95	16	Order granting joint motion for entry of final judgemnt and final judgement entered.
2/24/95	17	Notice of Appeal filed

B. JOINT MOTION FOR ENTRY OF FINAL JUDGMENT WITH ATTACHED JOINT STATEMENT OF UNDISPUTED FACTS

JOINT MOTION FOR ENTRY OF FINAL JUDGMENT

COME NOW Plaintiffs and Defendants and, pursuant to Rule 54 (a), Fed. R. Civ. P., jointly move this Court for entry of a Final Judgment. This Court entered an Order on June 21, 1994 denying Plaintiffs' Motion for a Preliminary Injunction. In order that Plaintiffs may immediately appeal this Order, the parties have now agreed, subject to the Court's approval, to entry of Final Judgment which incorporates the entirety of the Court's June 21, 1994 Order and the attached Statement of Undisputed Facts.

Wherefore, the parties jointly request that this Court inquire into their Motion and enter final judgment in Defendant's favor according to the terms and substance agreed to by the parties....

JOINT STATEMENT OF UNDISPUTED FACTS

Plaintiffs and Defendants, by and through their undersigned counsel, agree for purposes of entry of Final Judgment that the facts set forth below are undisputed and constitute the evidence of record for purposes of an appeal taken in this matter.

1. During the 1990 session of the General Assembly of Georgia, O.C.G.A. § 21-2-140 was enacted which requires any person seeking to qualify for nomination or election to a state office to file a certificate stating that the candidate has been tested for illegal drugs within 30 days prior to qualifying and that the results of the test are negative. (copy of O.C.G.A. § 21-2-140 attached as Exhibit A.)

2. Under O.C.G.A. § 21-2-140 (a)(4) the state offices to which the testing requirement applies are: the Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, Justices of the Supreme Court and Judges of the Court of Appeals, judges of the superior courts, district attorneys, members of the General Assembly, and members of the Public Service Commission.

3. The statute requires the collection and testing of the fluid samples administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations, 53 Fed. Reg. 11979, et seq.) or professionally valid procedures.

4. Candidates for the offices listed above are informed that the required testing may be conducted either on the site of an approved medical testing laboratory or in the privacy of the candidate's physician's office. The procedures included in the

above Federal Regulations for collection of the specimen are adhered to at both collection sites, including those intended to guarantee the privacy of the potential candidate.

5. The specimen is sent by the lab or the physician's office to an approved laboratory for testing. All chain of custody procedures are complied with fully. (Id.) A five panel drug screen is performed. The certificate contemplated by the statute does not include a detailed chemical analysis of the candidate's urine, or other bodily fluids, but merely provides that a drug screen has been performed and that he results are negative, except as necessary to explain any positive drug test results.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case No. 95-8230

WALKER L. CHANDLER, SHARON T. HARRIS
AND JAMES D. WALKER,
Plaintiffs-Appellants,

v.

HONORABLE ZELL D. MILLER, et al.,
Defendants-Appellees

C. RELEVANT DOCKET ENTRIES

DATE	PROCEEDING
3/2/95	Acknowledgement of filing of Notice of Appeal
12/13/95	Oral Argument
1/22/96	Opinion announcing decision of the Court

2/12/96	Motion for Rehearing and suggestion of En Banc rehearing filed
4/18/96	Denial of petition for rehearing entered

D. ORDER DENYING PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC

ON PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC
(Opinion__, 11th Cir. 19__, ___F.2d___).

Before: EDMONDSON, DUBINA and BARKETT, Circuit Judges

PER CURIAM:

The Petition(s) for Rehearing are DENIED and no member of this panel nor other Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Eleventh Circuit Rule 35-5), the Suggestion(s) of Rehearing En Banc are DENIED.

ENTERED FOR THE COURT:

/S/ J.L. Edmondson
UNITED STATES CIRCUIT JUDGE